

108TH CONGRESS
2D SESSION

H. R. 5135

To provide for a nonvoting delegate to the House of Representatives to represent the Commonwealth of the Northern Mariana Islands, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 23, 2004

Mr. POMBO (for himself, Mr. RAHALL, Mr. FLAKE, Mr. YOUNG of Alaska, Mr. BURTON of Indiana, Mr. WALDEN of Oregon, Mr. COLE, Ms. BORDALLO, Mr. REHBERG, and Mr. ABERCROMBIE) introduced the following bill; which was referred to the Committee on Resources

A BILL

To provide for a nonvoting delegate to the House of Representatives to represent the Commonwealth of the Northern Mariana Islands, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Northern Mariana Is-

5 lands Delegate Act”.

1 **SEC. 2. DELEGATE TO HOUSE OF REPRESENTATIVES FROM**
2 **COMMONWEALTH OF THE NORTHERN MAR-**
3 **IANA ISLANDS.**

4 The Commonwealth of the Northern Mariana Islands
5 shall be represented in the United States Congress by the
6 Resident Representative to the United States authorized
7 by section 901 of the Covenant to Establish a Common-
8 wealth of the Northern Mariana Islands in Political Union
9 with the United States of America (approved by Public
10 Law 94–241 (48 U.S.C. 1801 et seq.)). The Resident Rep-
11 resentative shall be a nonvoting Delegate to the House of
12 Representatives, elected as provided in this Act.

13 **SEC. 3. ELECTION OF DELEGATE.**

14 (a) **ELECTORS AND TIME OF ELECTION.**—The Dele-
15 gate shall be elected—

16 (1) by the people qualified to vote for the popu-
17 larly elected officials of the Commonwealth of the
18 Northern Mariana Islands; and

19 (2) at the Federal general election of 2006 and
20 at such Federal general election every 2d year there-
21 after.

22 (b) **MANNER OF ELECTION.**—

23 (1) **IN GENERAL.**—The Delegate shall be elect-
24 ed at large and by a plurality of the votes cast for
25 the office of Delegate.

1 (2) EFFECT OF ESTABLISHMENT OF PRIMARY
2 ELECTIONS.—Notwithstanding paragraph (1), if the
3 Government of the Commonwealth of the Northern
4 Mariana Islands, acting pursuant to legislation en-
5 acted in accordance with the Constitution of the
6 Commonwealth of the Northern Mariana Islands,
7 provides for primary elections for the election of the
8 Delegate, the Delegate shall be elected by a majority
9 of the votes cast in any general election for the of-
10 fice of Delegate for which such primary elections
11 were held.

12 (c) VACANCY.—In case of a permanent vacancy in the
13 office of Delegate, the office of Delegate shall remain va-
14 cant until a successor is elected and qualified.

15 (d) COMMENCEMENT OF TERM.—The term of the
16 Delegate shall commence on the 3d day of January fol-
17 lowing the date of the election.

18 **SEC. 4. QUALIFICATIONS FOR OFFICE OF DELEGATE.**

19 To be eligible for the office of Delegate a candidate
20 shall—

21 (1) be at least 25 years of age on the date of
22 the election;

23 (2) have been a citizen of the United States for
24 at least 7 years prior to the date of the election;

1 (3) be a resident and domiciliary of the Com-
2 monwealth of the Northern Mariana Islands for at
3 least 7 years prior to the date of the election;

4 (4) be qualified to vote in the Commonwealth of
5 the Northern Mariana Islands on the date of the
6 election; and

7 (5) not be, on the date of the election, a can-
8 didate for any other office.

9 **SEC. 5. DETERMINATION OF ELECTION PROCEDURE.**

10 Acting pursuant to legislation enacted in accordance
11 with the Constitution of the Commonwealth of the North-
12 ern Mariana Islands, the Government of the Common-
13 wealth of the Northern Mariana Islands may determine
14 the order of names on the ballot for election of Delegate,
15 the method by which a special election to fill a permanent
16 vacancy in the office of Delegate shall be conducted, the
17 method by which ties between candidates for the office of
18 Delegate shall be resolved, and all other matters of local
19 application pertaining to the election and the office of Del-
20 egate not otherwise expressly provided for in this Act.

21 **SEC. 6. COMPENSATION, PRIVILEGES, AND IMMUNITIES.**

22 Until the Rules of the House of Representatives are
23 amended to provide otherwise, the Delegate from the Com-
24 monwealth of the Northern Mariana Islands shall receive
25 the same compensation, allowances, and benefits as a

1 Member of the House of Representatives, and shall be en-
2 titled to whatever privileges and immunities are, or herein-
3 after may be, granted to any other nonvoting Delegate to
4 the House of Representatives.

5 **SEC. 7. LACK OF EFFECT ON COVENANT.**

6 No provision of this Act shall be construed to alter,
7 amend, or abrogate any provision of the covenant referred
8 to in section 2 except section 901 of the covenant.

9 **SEC. 8. DEFINITION.**

10 For purposes of this Act, the term “Delegate” means
11 the Resident Representative referred to in section 2.

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